

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TEXAS

TYLER DIVISION

TERRY EDMUND MASSEY, #1137234 §

VS. § CIVIL ACTION NO. 6:05cv477

DIRECTOR, TDCJ-CID §

ORDER OF DISMISSAL


The above-entitled and numbered civil action was heretofore referred to United States Magistrate Judge John D. Love, who issued a Report and Recommendation concluding that the petition for a writ of habeas corpus should be dismissed as time-barred. The Petitioner has filed objections.

The Report and Recommendation of the Magistrate Judge, which contain his proposed findings of fact and recommendations for the disposition of such action, has been presented for consideration, and having made a *de novo* review of the objections raised by the Petitioner, the Court is of the opinion that the findings and conclusions of the Magistrate Judge are correct. The Petitioner argued in his objections that the statute of limitations should not apply since he is not challenging his conviction; instead, he is challenging the provision in the judgments ordering that his sentences are to run consecutively. Nonetheless, the one year statute of limitations applies to all federal habeas corpus proceedings by state inmates. The objections lack merit, therefore the Court hereby adopts the findings and conclusions of the Magistrate Judge as the findings and conclusions of the Court. It is accordingly

ORDERED that the petition for a writ of habeas corpus is **DENIED** and the case is **DISMISSED** with prejudice. It is further

ORDERED that all motions not previously ruled on are hereby **DENIED**.

SIGNED this 8th day of February, 2006.


MICHAEL H. SCHNEIDER
UNITED STATES DISTRICT JUDGE